

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

UNITED STATES OF AMERICA

v.

TINA M. TUCKER

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CR 115-032

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O R D E R

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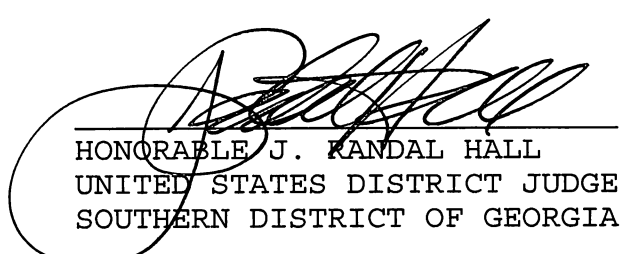
In the captioned criminal matter, Defendant Tina M. Tucker has filed a motion for reconsideration of her sentence based upon her "post sentencing rehabilitation." (Doc. 52.) With only three exceptions, however, a court may not modify a sentence once it has been imposed. 18 U.S.C. § 3582(c). Under the first exception, a court may entertain a motion filed by the Director of the Bureau of Prisons under certain circumstances. 18 U.S.C. § 3582(c)(1)(A). The second exception references Rule 35 of the Federal Rules of Criminal Procedure for instances when correcting sentence is proper. 18 U.S.C. § 3882(c)(1)(B). Rule 35 allows modification upon an order from an appellate court, upon a motion from the Government, or to correct a computational error within seven days of sentencing. Finally, under the third exception a court may reduce a sentence that was "based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 944(o)." 18 U.S.C. §

3582(c)(2). Defendant's request for a reduction in this case does not fall within any of these exceptions. Accordingly, the Court is without authority to modify the Defendant's sentence as requested.

Defendant cites within her motion 18 U.S.C. § 3742(e), which details the review of an imposed sentence by the court of appeals. Because this is the district court, this code section is inapplicable. Moreover, there is nothing in § 3742 that allows a sentence reduction based upon "post sentencing rehabilitation." Accordingly, Defendant has failed to cite any authority that would allow the reduction she seeks.

Upon the foregoing, Defendant's motion to reduce her sentence (doc. 52) is **DENIED**.

**ORDER ENTERED** at Augusta, Georgia, this 22nd day of September, 2016.



HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA